

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

Superior Court

2. Date Rules Submitted for Approval:

May 18, 2009

3. Date Approved and Promulgated by the Supreme Judicial Court:

June 24, 2009

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Amendment to Superior Court Rule 51 as attached.

Effective date: July 1, 2009

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)

COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT
SUFFOLK COUNTY COURTHOUSE
THREE PEMBERTON SQUARE, 13TH FLOOR
BOSTON, MA 02108

BARBARA J. ROUSE
CHIEF JUSTICE

TELEPHONE
(617) 788-7304

June 8, 2009

Honorable Roderick L. Ireland
Chair of the Rules Committee
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, MA 02108

**Re: Massachusetts Uniform Probate Code-
Proposed Changes to Superior Court Rule 51**

Dear Justice Ireland:

This is to inform you and the Rules Committee that I support the Probate Court's proposal to revise Superior Court Rule 51 relating to "Receivers." The suggested change, resulting from the enactment of the Uniform Probate Code, will replace the word "conservator" for the word "guardian" in Superior Court Rule 51. Since the word refers to the procedures used in the Probate Court and is consistent with other proposed changes to other court rules, it seems appropriate that the Committee adopt this change.

Sincerely,



Barbara J. Rouse
Chief Justice, Superior Court

cc: Honorable Paula M. Carey
Chief Justice, Probate and Family Court

Christine Burak, Senior Counsel
Supreme Judicial Court

Rule As Amended - Old language struck through, new language in italics

RULES OF THE SUPERIOR COURT

RULE 51. RECEIVERS

(Applicable to civil actions)

Every receiver, within thirty days after his appointment, shall file a detailed inventory of the property of which he has possession or the right to possession, with the estimated values thereof, together with a list of the encumbrances thereon; and also a list of the creditors of the receivership and of the party whose property is in the hands of the receiver, so far as known to him.

Every receiver shall file, not later than the fifteenth day of February of each year, a detailed account under oath of his receivership to and including the last day of the preceding year, substantially in the form required for an account by a ~~guardian~~ *conservator* in the probate courts, together with a report of the condition of the receivership. He shall also file such further accounts and reports as the court may order.

When an attorney at law has been appointed a receiver, no attorney shall be employed by the receiver or receivers except upon order of court, which shall be made only upon the petition of a receiver, stating the name of the attorney whom he desires to employ and showing the necessity of such employment.

No order discharging a receiver from further responsibility will be entered until he has settled his final account.

Upon application for appointment of a receiver, the party seeking the receiver shall pay into Court the sum of \$500.00, or such other amount as the Court may allow, for the use of the receiver when appointed to guarantee his or her expenses, disbursements and compensation. No process on the application for appointment of a receiver shall issue before payment of said sum. The Clerk shall pay said sum to the receiver when appointed and the receiver shall account for the disposition thereof in his or her required accountings. If the application for appointment of a receiver is denied, the Clerk shall repay to the plaintiff, or the plaintiff's attorney, the sum so deposited.